

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SAP AMERICA, INC.,

Plaintiff,

v.

INVESTPIC, LLC,

Defendant.

Case No. 3:16-cv-02689-K

**SAP AMERICA, INC.’S RESPONSE TO INVESTPIC, LLC’S
NOTICE OF SUPPLEMENTAL AUTHORITY**

Despite InvestPic’s attempts to characterize the Federal Circuit’s *Thales Visionix* opinion in its favor (*see* Dkt. No. 76), that opinion further supports SAP America’s position that the claims at issue in this case are patent ineligible. In *Thales Visionix*, the Federal Circuit highlighted that patent’s focus on “a particular configuration of [two] inertial sensors” in a nonconventional manner. *Thales Visionix Inc. v. U.S.*, 850 F.3d 1343, 1348-49 (Fed. Cir. 2017) (“These claims are not merely directed to the abstract idea of using ‘mathematical equations’ . . . [r]ather, the claims are directed to systems and methods that use inertial sensors in a nonconventional manner . . .”). The claims at issue in this case have no such redeeming quality, but are instead directed to the use of a mathematical formula itself—or algorithm as InvestPic argues (Response at 22-23). Here, the claims merely recite the steps of using the mathematical formula or algorithm: (1) selecting data (“selecting a sample space”); (2) performing math on that data (“generating a distribution function”); and (3) plotting the result (“generating a plot”).

Dated: April 12, 2017

Respectfully submitted,

By: /s/ Michael A. Bittner

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CERTIFICATE OF SERVICE

The undersigned certifies that counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on April 12, 2017, per Local Rule CV-5.1.

/s/Michael A. Bittner

Michael A. Bittner